

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

VASEK POSPISIL, NICHOLAS KYRGIOS,  
ANASTASIA RODIONOVA, NICOLE MELICHAR-  
MARTINEZ, SAISAI ZHENG, SORANA CÎRSTEĂ,  
JOHN-PATRICK SMITH, NOAH RUBIN, ALDILA  
SUTJIADI, VARVARA GRACHEVA, TENNYS  
SANDGREN, and REILLY OPELKA, individually  
and on behalf of all others similarly situated,

-and-

THE PROFESSIONAL TENNIS PLAYERS  
ASSOCIATION

Plaintiffs,

v.

ATP TOUR, INC., WTA TOUR, INC.,  
INTERNATIONAL TENNIS FEDERATION LTD.,  
and INTERNATIONAL TENNIS INTEGRITY  
AGENCY LTD.,

Defendants.

Case No. 25-cv-2207 (MMG)

**DECLARATION OF MARK V. YOUNG IN SUPPORT OF ATP'S MOTION, IN THE  
ALTERNATIVE, TO SEVER CLAIMS AGAINST ATP UNDER F.R.C.P 21, AND  
TRANSFER PURSUANT TO 28 U.S.C. § 1404(A)**

I, Mark V. Young, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct:

- 1) I am the Chief Legal and Administrative Officer at ATP Tour, Inc. ("ATP"). I have been employed at ATP since March 1990. I am admitted to practice law in Florida.
- 2) On August 26, 2006, the ATP Board of Directors passed a motion to approve amendments to the ATP Bylaws specifying the state and federal courts in Delaware as the mandatory venue for resolution of disputes among ATP and its members, along with other amendments. On October 22, 2006, the ATP Board of Directors approved the text of the new Article 23 of the ATP Bylaws (including the forum selection clause), as approved in substance at the August 26, 2006 meeting. As with all amendments to the ATP Bylaws, at least two ATP

Board members elected by and representing the interests of the Player Members voted in favor of the amendment, as well as at least two Board members representing the interests of the Tournament Members.

3) Pursuant to the ATP Rulebook, prior to playing in an ATP tournament, players are required to sign a Consent and Agreement Form, through which players agree to be bound by the ATP Rulebook and ATP Bylaws.

4) In 2021 and the preceding years, players signed hard copies of the Consent and Agreement Form on-site at their first ATP tournament of that calendar year.

5) For the 2022 season, ATP began facilitating the execution of the Consent and Agreement Form electronically on the PlayerZone intranet website. PlayerZone is the most common way players enter ATP tournaments. Since December 2021, when players access PlayerZone, they are prompted to sign the Consent and Agreement Form by entering their email address and clicking “accept.” Players are not able to bypass the prompt, or otherwise access PlayerZone, until the Consent and Agreement Form is signed. If a player does not use PlayerZone to enter his first ATP tournament in a given calendar year, then the player is required to either sign a hard copy of the Consent and Agreement Form on-site, or log into PlayerZone and submit electronically, before competing in that tournament.

6) As shown in the screenshot attached as Exhibit 1, which was pulled from PlayerZone at my direction on May 20, 2025, players agree via the Consent and Agreement Form to the following: “I will comply with and be bound by all of the provisions of the 2025 ATP OFFICIAL RULEBOOK, ATP Tour Inc.’s (“ATP”) By-Laws, resolutions and regulations (the “ATP Rules”), including, but not limited to, all amendments to the ATP Rules. I have

received and had an opportunity to review the ATP Rules and any and all Covid-19 policies and protocols, as amended from time to time.”

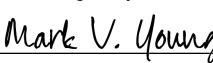
7) At the time the forum selection clause was adopted, and every year thereafter, the Consent and Agreement Form has included an agreement to be bound by the ATP Bylaws.

8) In 2021, Vasek Pospisil, Nicholas Kyrgios, John-Patrick Smith, Noah Rubin, Tennys Sandgren, and Reilly Opelka (the Named Plaintiffs who have participated in ATP tournaments, or the “ATP Named Plaintiffs”) each signed hard copies of the Consent and Agreement Form. For 2023, Mr. Opelka also opted to sign the Consent and Agreement Form in hard copy form. For 2025, Mr. Opelka and Mr. Kyrgios opted to sign the Consent and Agreement Form in hard copy form. A true and correct copy of those Consent and Agreement Forms are attached as Exhibit 2.

9) From 2022 through the present, each of the ATP Named Plaintiffs has signed Consent and Agreement Forms electronically for each of the years in which he entered an ATP tournament, except as noted above regarding Messrs. Opelka and Kyrgios, who in certain years signed hard copies. ATP records show that the ATP Named Plaintiffs electronically signed the Consent and Agreement Forms via PlayerZone on the following dates:

Name	2022 Accepted Date	2023 Accepted Date	2024 Accepted Date	2025 Accepted Date
<b>Vasek Pospisil</b>	12/18/2021	12/23/2022	12/22/2023	12/24/2024
<b>Nicholas Kyrgios</b>	12/28/2021	12/30/2022	(did not play)	(hard copy)
<b>John-Patrick Smith</b>	12/17/2021	12/23/2022	12/22/2023	01/02/2025
<b>Noah Rubin</b>	12/20/2021	12/04/2023	12/23/2023	01/31/2025
<b>Tennys Sandgren</b>	12/20/2021	12/19/2022	12/25/2023	(has not played)
<b>Reilly Opelka</b>	12/20/2021	(hard copy)	12/24/2023	(hard copy)

Dated: May 20, 2025  
Atlantic Beach, Florida

DocuSigned by:  
  
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